

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1,2,4, & 5** are rejected under 35 U.S.C. 102(b) as being anticipated by **Deden (US 5,088,728)**.

Regarding claim 1, Deden invention teaches a pair of shoulder scyes 35 are provided to encircle the shoulder scye regions 18 medially about the acromium process 22 and the axilla 19 (Col. 6 lines 4-7); a back panel 64 is provided, connecting the shoulder scyes 35 across the user's upper back (Col. 6 lines 9-11); a frontal strap 71 and buckle 72 extends across the upper chest area to selectively join the scyes 35 (Col. 6 lines 11-13); the back panel 64 and front strap 71 exemplify a preferred means 39 for holding the shoulder scyes in selected positions on the user's thorax (Col. 6 lines 13-15).

Regarding claim 2, Deden invention teaches the harness 10 also preferably includes a pad 75 on inward surfaces 63 of the shoulder scyes 35 and back panel 64 for engaging and intimately conforming to the user 11 (Col. 6 lines 16-19).

Regarding claim 4, Deden invention teaches a pair of shoulder scyes 35 are provided to encircle the shoulder scye regions 18 medially about the acromium process 22 and the axilla 19 (Col. 6 lines 4-7); a back panel 64 is provided, connecting he

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shoulder scyes 35 across the user's upper back (Col. 6 lines 9-11); a frontal strap 71 and buckle 72 extends across the upper chest area to selectively join the scyes 35 (Col. 6 lines 11-13); the back panel 64 and front strap 71 exemplify a preferred means 39 for holding the shoulder scyes in selected positions on the user's thorax (Col. 6 lines 13-15).

Regarding claim 5, Deden invention teaches a pair of shoulder scyes 35 are provided to encircle the shoulder scye regions 18 medially about the acromium process 22 and the axilla 19 (Col. 6 lines 4-7); a back panel 64 is provided, connecting the shoulder scyes 35 across the user's upper back (Col. 6 lines 9-11); a frontal strap 71 and buckle 72 extends across the upper chest area to selectively join the scyes 35 (Col. 6 lines 11-13); the back panel 64 and front strap 71 exemplify a preferred means 39 for holding the shoulder scyes in selected positions on the user's thorax (Col. 6 lines 13-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Deden (US 5,088,728)** in view **Taken (JP 08206146)**.

5. **Regarding claim 3**, Deden invention discloses all the claimed limitations except the back-rest pad is detachably attached to the back rest.

However, Taken invention teaches a pad that is detachably attached to the inner surface of shoulder belts that are in contact with axillae, a portion of acromioclavicular joints, and upper back of the user (view fig. 1, fig. 2, fig. 3 label 15, and fig.4).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Deden with a pad that is detachably attached to the inner surface of shoulder belts that are in contact with axillae, a portion of acromioclavicular joints, and upper back of the user but to focus location of detachably attached pad to include attachment to back rest since doing so would create a more dynamic fractured clavicle fixing band. Deden invention teaches: pad 75 is stitched 76 or otherwise secured to inward surfaces 63 of the shoulder scyes 35 and the back panel 64 to prevent independent movement (Col. 8 lines 24-26).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention: Grundel (US 5,672,149), Bauerfeind et al. (US 5,395,306), Villanveva (US 3,878,841), Cheung (WO 2006/095272 A2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Robinson whose telephone number is (571) 270-3867. The examiner can normally be reached on Mon-Fri 7:30 AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on (571)272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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